

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Verizon Advanced Data Inc. (U 6454-C) to Transfer Intrastate Advanced Data Services Assets and California Customer Base, Withdraw Service and Cancel its CPCN.

Application 01-11-014  
(Filed November 13, 2001)

Application of Verizon California Inc. (U 1002-C) for Approval to Transfer Intrastate Advanced Data Service Assets to Verizon Advanced Data Inc.

Application 00-09-028  
(Filed September 1, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING CONDITIONALLY GRANTING  
MOTION TO INTERVENE OF EXTREME TELCOM, INC. DBA DSL EXTREME**

This ruling conditionally grants the motion of Extreme Telcom, Inc. dba DSL Extreme (DSL Extreme) to intervene in this proceeding.

This proceeding involves Verizon California Inc.'s (Verizon) application to reincorporate its advanced telecommunications affiliate into its local exchange company. The Commission granted that application a year ago. At that time, the Commission set up a second phase of this proceeding to address competitive issues raised by several parties to the proceeding (Covad Communications Company, MCI, Inc., AT&T Communications of California, Inc. and The Utility Reform Network). The Commission stayed commencement of that phase for various reasons, but gave the parties raising the issues one year to come to the Commission and demonstrate that the second phase should commence. The parties did not meet the one-year deadline, but have now sought extension of

that deadline based on the argument that the reasons for our original stay of the second phase (essentially, uncertainty at the federal level over the rules that would govern competitor access to local exchange carrier advanced services) still exist today. I have not yet ruled on that motion.

DSL Extreme is an internet service provider that provides high-speed internet and other on-line services to customers in Verizon's service territory. DSL Extreme purchases facilities and telecommunications services from Verizon in order to provide digital subscriber line (DSL) services to customers. DSL Extreme claims it is interested in the same competitive issues raised by Covad and the other parties and, therefore, that it should have a right to intervene in this proceeding.

If I grant the petition of Covad and the other parties to extend the one-year deadline for commencement of the second phase of this proceeding, DSL Extreme's motion to intervene will automatically be granted so that it may raise the competitive issues in tandem with Covad and the others. If, on the other hand, I deny the motion to extend the deadline, DSL Extreme's motion to intervene automatically will be denied, as there will be no remaining issues to litigate in this proceeding.

Therefore, **IT IS ORDERED** that

1. The motion of Extreme Telcom, Inc. DBA DSL Extreme (DSL Extreme) to intervene in this proceeding is conditionally granted.

2. If I grant the June 23, 2004 petition of Covad Communications Company, MCI, Inc., AT&T Communications of California, Inc. and The Utility Reform Network to extend the one-year deadline for commencement of the second phase of this proceeding, DSL Extreme's motion to intervene will automatically be granted so that it may raise competitive issues in this proceeding.

3. If, on the other hand, I deny the motion to extend the deadline, DSL Extreme's motion to intervene automatically will be denied, as there will be no remaining issues to litigate in this proceeding.

Dated August 12, 2004, at San Francisco, California.

/s/ SARAH R. THOMAS

Sarah R. Thomas  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Conditionally Granting Motion to Intervene of Extreme Telecom, Inc. DBA DSL Extreme on all parties of record in this proceeding or their attorneys of record.

Dated August 12, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

\*\*\*\*\*

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

A.01-11-014, A.00-09-028 SRT/hl2

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.